

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No.97-40372  
Summary Calendar

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BANORO GARRETT,

Plaintiff-Appellant,

versus

STATE OF TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas

(9:94-CV-172)

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September 29, 1997

Before POLITZ, Chief Judge, DAVIS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.